

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C.**

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	)	
<b>In The Matter Of</b>	)	
	)	
<b>Joint Petition for Expedited</b>	)	
<b>Rulemaking Establishing Minimum</b>	)	<b>CC Docket No. 96-61</b>
<b>Notice Requirements for Detariffed</b>	)	
<b>Services</b>	)	<b>CI Docket No. 02-22</b>
	)	
<b>Policy and Rules Concerning the</b>	)	
<b>Interstate, Interexchange Marketplace,</b>	)	
<b>Implementation of Section 254(g) of the</b>	)	
<b>Communications Act of 1934, as</b>	)	
<b>amended</b>	)	
	)	

**COMMENTS OF THE PUBLIC SERVICE  
COMMISSION OF THE STATE OF MISSOURI**

The Public Service Commission of the State of Missouri (MoPSC) offers the following comments in response to the *Joint Petition for Expedited Rulemaking Establishing Minimum Notice Requirements for Detariffed Services* (CC Docket No. 96-61) filed October 29, 2001.

**Background**

On October 29, 1996, the Federal Communications Commission (FCC or Commission) issued its Second Report and Order, which removed tariff filing requirements for non-dominant interstate interexchange services. The Commission intended consumer protection to be removed from FCC tariffs and to be covered under state consumer protection and contract law. In response to the Commission's order, the American Association of Retired Persons, Consumer Action, Consumer

Federation Of America, Consumers Union, The Massachusetts Union On Public Housing Tenants, The National Association Of Regulatory Utility Commissioners, The National Association Of Consumer Agency Administrators, The National Association Of State Utility Consumer Advocates, and The National Consumers League filed a joint petition asking the Commission to initiate a rulemaking proceeding to establish a minimum notice requirement for recently detariffed domestic toll services. Minimum notice requirements are being sought to help protect consumers where contract law and state consumer protection laws may fail.

The MoPSC offers these comments on whether the Commission should require interexchange carriers (IXCs) to give at least 30 days advance written notice to their subscribers prior to making any material changes to their rates, terms, or conditions.

The MoPSC agrees that notice of rate changes is imperative to insure a competitive environment for interexchange telecommunications services. In a competitive environment, it is important for consumers to have access to accurate price information in order to make rational economic decisions. Notice of IXC rate changes is good for consumers. Notice of rate changes gives consumers the opportunity to research the market before a rate change actually takes effect.

Missouri statutes require notice of rate changes as follows:

***Missouri Revised Statutes***  
**Chapter 392**  
**Telephone and Telegraph Companies**  
**Section 392.500**

**Changes in rates, competitive telecommunication services, procedure.**

392.500. Except as provided in section 392.200, proposed changes in rates or charges, or any classification or tariff provision affecting rates or charges, for any competitive telecommunications service, shall be treated pursuant to this section as follows:

- (1) Any proposed decrease in rates or charges, or proposed change in any classification or tariff resulting in a decrease in rates or charges, for any competitive telecommunications service shall be permitted only upon the filing of the proposed rate, charge, classification or tariff after seven days' notice to the commission; and
- (2) Any proposed increase in rates or charges, or proposed change in any classification or tariff resulting in an increase in rates or charges, for any competitive telecommunications service shall be permitted only upon the filing of the proposed rate, charge, classification or tariff and upon notice to all potentially affected customers through a notice in each such customer's bill at least ten days prior to the date for

implementation of such increase or change, or, where such customers are not billed, by an equivalent means of prior notice.

Consistent with Missouri Revised Statute Section *392.500*, the MoPSC recommends requiring 10-day notice for IXC rate increases and 7-day notice for IXC rate decreases but would not oppose the 30-day advance written notice proposed in this docket.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

Marc D. Poston, Senior Counsel  
Attorney for the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-8701 (Telephone)  
(573) 751-9285 (Fax)